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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/849,623 | 05/07/2001 | Todd Gross | 03955.00024 | 9502 |

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EXAMINER

NGO, NGUYEN HOANG

ART UNIT PAPER NUMBER

2663

DATE MAILED: 07/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/849,623

Applicant(s)

TODD GROSS

Examiner

Nguyen Ngo

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-10 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08).
Paper No(s)/Mail Date 12 Nov 02.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, and 4-10 rejected under 35 U.S.C. 102(e) as being anticipated by Kelly et al. (US Patent 6650869) hereinafter referred to as Kelly.

Regarding claim 1, Kelly discloses in figure 1, a two-way satellite communication system that permits a user terminal (VSAT terminal) to access packet switched networks via satellite (apparatus for coupling download feeds from a satellite to a server/switch in a VSAT terminal, col4 lines 56-59). Kelly further discloses that the high-speed satellite broadcast system supports a USB ready transceiver that is attached to the user terminal to transmit data and to receive the satellite broadcast (comprising a satellite transceiver card in said VSAT terminal receiving broadband data through said download feeds from said satellite, col4 lines 43-57). Kelly further discloses in figure 7, that the transceiver provide the NOC (Network Operation Center) with the information on the amount of backlog that the transceiver possess in which is used to dynamically allocate bandwidth to the users (satellite transceiver card dynamically allocates bandwidth, col37 lines 65- 67 and col38 lines 10-17).

Regarding claim 2, Kelly discloses that the satellite communication system uses carriers that are a TDMA stream (satellite transceiver card is a TDMA based transceiver, col5 lines 28-30).

Regarding claim 4, Kelly discloses that the transceiver supports multiple rates (transceiver card can adapt to different data rates, col9 lines 5-7).

Regarding claim 5, Kelly discloses that the transceiver supports multiple rates, high speed, receive channel and further discloses that the transceiver can support for high-speed TCP/IP applications (at least one high speed receiver receiving at least one high speed downlink channel, col9 lines 5-9).

Regarding claim 6, Kelly discloses that the uplink channel from the transceiver includes multiple carriers, each operating at speeds of 64 kbps, 128 kbps, or 256 kbps, for example (transceiver card comprises at least one uplink transmitter, col5 lines 25-30).

Regarding claim 7, Kelly discloses that the uplink channel from the transceiver includes multiple carriers, each operating at speeds of 64 kbps, 128 kbps, or 256 kbps, for example and that each of these carriers is a TDMA stream (uplink transmitter is a TDMA based system, col5 lines 25-30).

Regarding claim 8, Kelly discloses that the uplink channel from the transceiver includes multiple carriers, each operating at speeds of 64 kbps, 128 kbps, or 256 kbps, for example and that each of these carriers is a TDMA stream which employs several transmission schemes and that the schemes are to be tunable according to frequency (transmitter adapts to a number of different frequencies, col5 lines 25-37).

Regarding claim 9, Kelly discloses that the uplink channel from the transceiver includes multiple carriers, each operating at speeds of 64 kbps, 128 kbps, or 256 kbps, for example and that each of these carriers is a TDMA stream which employs several transmission schemes and that the schemes are to be tunable according to frequency (different channels include 32kbps, 64kbps, 128kbps, and 256kbps, and a higher speed TDMA link, col5 lines 25-37).

Regarding claim 10, Kelly discloses a system for managing return channel bandwidth in a two-way satellite communication network in which a plurality of transceivers are configured to transmit backlog information to determine the allocation of return channel bandwidth to each of the plurality of transceivers (earth station may dynamically reconfigure the uplink bandwidth to switch to higher capacity channels so that earth station adapts to changes, col2 lines 17-28).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly et al. (US Patent 6650869) hereinafter referred to as Kelly.

Regarding claim 3, Kelly discloses of a frequency table field, which is used to transmit on each of the return channels in the group. Kelly further discloses that changing the frequency for the return channel must be carefully coordinated to avoid interruptions of network operation, or transmission on the wrong return channel frequency (col23 lines 60-67). It should be obvious to a person skilled in the art that a single carrier per channel scheme (single carrier transmit frequency be used) be used in order to effectively transmit data without interruptions.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Kelly et al. (US 2002/0105976), Method and Apparatus For Deriving Uplink Timing From Asynchronous Traffic Across Multiple Transport Streams.

b) Rostoker et al. (US 5793416), Wireless System For The Communication Of Audio, Video, and Data Signals Over A Narrow Bandwidth.

c) Reichman et al. (US 6240073), Reverse Link For A Satellite Communication Network.

d) Boyden (US 6430394) System For Controlling Communications Between A Terminal And Satellite And Method Therefore.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

Art Unit: 2663

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nguyen Ngo whose telephone number is (571) 272-8398. The examiner can normally be reached on Monday-Friday 7am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571) 272-3139. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 09/849,623
Art Unit: 2663

Page 8

N.

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PRIMARY EXAMINER

7/20/05